

**PROCLAMATION
DECLARING EXTREME OR
SEVERE DROUGHT CONDITIONS IN GRANT COUNTY**

WHEREAS, the Board of County Commissioners of Grant County (“the Commission”) held a hearing on June 7, 2012, pursuant to NMSA (1978) § 60-2C-8.1.E, to determine if fireworks restrictions should be imposed within the unincorporated portions of the County due to extreme or severe drought conditions, and

WHEREAS, the County of Grant has recently experienced extremely dry conditions, high winds, and an increase in fires, and

WHEREAS, the Commission finds that severe drought conditions and high fire potential currently exist within the unincorporated areas of Grant County and these conditions are expected to continue and that restrictions on the sale and use of certain fireworks is necessary. This determination is based on current information made available by the National Weather Service; the National Interagency Fire Center Predictive Services; and the United States Forest Service.

NOW THEREFORE, IT IS HEREBY PROCLAIMED BY THE BOARD OF COMMISSIONERS OF GRANT COUNTY THAT:

- Section 1: Extreme or severe drought conditions exist within the unincorporated boundaries of Grant County.
- Section 2: Consistent with NMSA (1978) § 60-2C-8.1.F(1), the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets, and ground audible devices, including chasers and firecrackers, is prohibited within the unincorporated areas of Grant County.
- Section 3: Consistent with NMSA (1978) § 60-2C-8.1.F(2)(a), the use of any other permissible fireworks, including cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoking devices, mines, roman candles, shells, multiple tube devices, and wheels, shall be limited to being used only in areas within the unincorporated areas of the County that are paved or barren, or areas that have a readily accessible source of water for use by the homeowner or general public.
- Section 4: The Board of County Commissioners, after having its designee consult with the State Forester in accord with NMSA (1978) § 60-2C-8.1.F(2)(b), is authorized to and does hereby ban the use of all fireworks within wildlands, defined by NMSA (1978) § 60-2C-2.HH as “lands owned by the governing body of a county or municipality that are designated for public recreational purposes and that are covered wholly or in part by timber, brush or native grass.”

Section 5: Consistent with NMSA (1978) § 60-2C-8.1.F(2)(C), the sale and use of display fireworks (as defined by NMSA (1978) § 60-2C-2.J) are hereby prohibited within the unincorporated areas of the County.

Section 6: This Proclamation shall be effective immediately, and for a period of thirty (30) days, unless a subsequent Proclamation is issued by the County, consistent with NMSA (1978) § 60-2C-8.1.H.

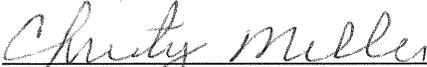
Proclaimed this 7th Day of June 2012.

[seal]
ATTEST:

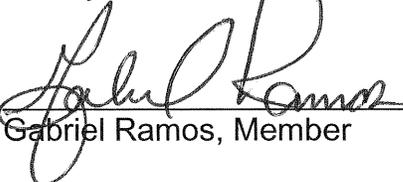
Robert Zamarripa, Clerk

**BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, NEW MEXICO**

Brett Kasten, Chairman



Christy Miller, Member



Gabriel Ramos, Member

STATE OF NEW MEXICO)
) ss.
COUNTY OF GRANT)

The Board of County Commissioners (the “Board”) of Grant County (the “County”), in the State of New Mexico, met in an open special meeting in conformity with law and the ordinances and rules of the County, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board, at 9:00 a.m., on Thursday, June 7, 2012, at which time there were present and answering the roll call the following members:

Commissioners: Gabriel Ramos
 Christy Miller

Absent: Brett Kasten

Thereupon the following proceedings, among others, were had and taken, to wit:

There was provided to the County Clerk, the Chairman and each Commissioner, a copy of an ordinance in final form, which is as follows:

**AN EMERGENCY ORDINANCE DECLARING A FIRE HAZARD
EMERGENCY AND ENACTING MEASURES TO DECREASE THE COUNTY'S
RISK OF INJURY TO PERSONS OR PROPERTY AND SUBSTANTIAL
FINANCIAL LOSS TO THE COUNTY OF GRANT AND ITS
RESIDENTS AS A RESULT OF FIRE**

WHEREAS, the Grant County Board of Commissioners (the "Commission") acknowledges the severity of the drought conditions and high fire potential in Grant County. The Commission has determined that protective measures must be taken to protect the health, safety, and welfare of its citizens and to decrease the risk of injury to persons and property.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF GRANT COUNTY, NEW MEXICO THAT:

Section 1. DECLARATION OF EMERGENCY. Due to the drought conditions and high fire potential, which have created a significant and immediate danger to the public peace, health, safety, and welfare, a fire hazard emergency is declared in Grant County.

Section 2. FINDINGS.

- A. There has been an increase in fires in recent weeks within Grant County;
- B. The danger of range fires, brush fires, grass fires, structure fires and other fires of every kind is presently significantly high in and around Grant County;
- C. The probability of ignition of materials likely to serve as fuel for fire is extremely high in Grant County;
- D. The weather in Grant County has been unseasonably dry and windy, contributing to the present high fire risk;
- E. The current information made available by the National Weather Service, the National Interagency Fire Center Predictive Services, the National Fire Danger Rating System, and the United States Forest Service, indicate that severe drought conditions and high fire potential exist in Grant County and those conditions are expected to continue;

- F. The drought conditions and high fire potential have created a significant and immediate danger to the public health, safety, and welfare should a fire start in Grant County;
- G. Under NMSA (1978) § 4-37-7.C, the Commission may by-pass the procedural requirements of adopting an ordinance when the Commission has declared an emergency to be an immediate danger to the public health, safety, and welfare.

Section 3. RESTRICTIONS.

- A. Open fires, including but not limited to campfires, charcoal grills, stove fires, and other open fires used for cooking are prohibited, except in developed camp and picnic grounds where agency-built fire rings or grills are provided—these are usually areas that charge campsite fees. Check postings at campgrounds before starting a fire.
- B. Open burning, including but not limited to burning of croplands, fields, rangeland, debris/trash burning, slash piles, or weeds is prohibited.
- C. Pressurized liquid or gas stoves, lanterns and heaters are generally allowed, unless determined to be a fire hazard by an enforcing officer.
- D. Use of chain saws is prohibited, except as specifically authorized by the County Fire Management Officer or the County Manager.
- E. Outdoor smoking is prohibited, except on private residential property and otherwise in areas of barren dirt, pavement, concrete or similar surfaces where there are appropriate disposal receptacles for burning objects.
- F. Lighted matches, cigarettes, cigars or other burning objects shall not be discarded in such a manner that could cause ignition of combustible material.
- G. No person shall dispose of hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition except in an approved combustible receptacle.
- H. Welding is prohibited unless it is done with at least ten (10) gallons of water and a shovel readily available and accessible, and with a minimum barrier of twenty (20) feet to mineral soil.

- I. Pursuant to NMSA (1978) § 60-2C-7.C, the sale and use of all aerial devices (including aerial shell kit-reloadable tubes, aerial spinners, helicopters, mines, missile-type rockets, multiple tube devices, roman candles, shells, and stick-type rockets) and ground audible devices (chasers and firecrackers) are prohibited.
- J. Any sources of ignition, which the County Fire Management Officer or the Grant County Manager deems to be a hazard and with respect to which notice is posted, is prohibited in accordance within the posted park or area.

Section 4. TERM OF ORDINANCE. Pursuant to NMSA (1978) § 4-37-9.C, this ordinance shall become effective immediately after it is authenticated and recorded by the county clerk. This ordinance shall automatically expire thirty (30) days from its adoption, unless a subsequent emergency ordinance is adopted.

Section 5. INTERGOVERNMENTAL COOPERATION. The Commission supports any reasonable restrictions enacted by the Federal, State, and other municipal governments.

Section 6. SEVERABILITY. If any portion of this ordinance is held unlawful or invalid, the remaining portions of the ordinance shall remain in full force and effect.

Section 7. PENALTIES. Any individual, firm, partnership, corporation or other entity convicted of violating this ordinance shall be guilty of a misdemeanor and shall be fined in an amount not to exceed \$300 and may be imprisoned for up to ninety (90) days, or both.

Section 8. ENFORCEMENT. The Grant County Sheriff's Office shall have the authority for enforcement of this emergency ordinance.

Section 9. PUBLICATION. Under NMSA (1978) § 4-37-7.C, the Commission may by-pass the procedural requirements of adopting an ordinance when the Commission has declared an emergency to be an immediate danger to the public health, safety, and welfare. Based on the declared emergency, there will be no prior publication of this ordinance. However, this ordinance shall be published in a newspaper of general circulation once a week for two consecutive weeks after its adoption to give notice to the public.

PASSED, APPROVED, AND ADOPTED, this 7th day of June 2012.



ATTEST:


Robert Zamarripa, Clerk

**BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, NEW MEXICO**

Brett Kasten, Chairman


Christy Miller, Member


Gabriel Ramos, Member

Commissioner Ramos then moved that the ordinance as provided to the County Clerk at this meeting be passed and adopted. Commissioner Miller seconded the motion.

The question being upon the passage and adoption of the ordinance, the motion was voted upon with the following result:

Those Voting Yea: 2

Those Voting Nay: 0

Those Absent: 1

The Chairman thereupon declared that at least a majority of all the members of the Board having voted in favor thereof, the motion was carried and the ordinance duly passed and adopted.

The meeting on motion duly made, seconded and unanimously carried, was adjourned.

Christy Miller
Christy Miller, Acting Chairman

[SEAL]

Attest:

Robert Zamarripa
Robert Zamarripa, County Clerk

EXHIBIT A

(Attach Affidavit of Publication of Notice of June 7, 2012, Meeting as published on June 4, 2012, in the Silver City Daily Press)

Silver City Daily Press and Independent 3130A Hwy. 180 E. Post Office Box 740 Silver City, New Mexico 88062 (575) 388-1576

INVOICE FOR PUBLICATION OF LEGAL NOTICE

Grant County Managers Office Attn: Randy PO Box 898 Silver City, NM 88062

Table with 6 columns: Date, Description, PO#, Inches, Lines1, Total. Row 1: 6/4/12, Special Meeting 6/7/12, 4.25, 29.75 @ .63 = \$18.74. Subsequent rows show @ .49 =.

Total Inches 4.25 Subtotal \$18.74 Tax \$1.38

Please include top portion with payment to ensure proper credit. Grand Total \$20.12

Affidavit of Publication

STATE OF NEW MEXICO County of Grant s s

Christina Ely, being first duly sworn, on her oath says: That she is the publisher of the Silver City Daily Press and Independent, a newspaper printed and published in the Town of Silver City, in the County of Grant and the State of New Mexico, and that said newspaper is now, and was at all times herein mentioned, a newspaper of general circulation.

That the advertisement, copy of which is hereto attached, was published in said hereinbefore mentioned newspaper once each and every week for 1 consecutive week (s), the first publication thereof having been made on 6/4/12 and the last publication thereof having been made on . That said newspaper was regularly printed, published and issued with said notice herein upon the following dates, to wit:

6/4/12

Christina Ely

Subscribed and sworn to before me on this 6th day of June 2012

Melanie K Rogers Notary Public

Legal Special Meeting - June 7 The Grant County Board of Commissioners will convene in a Special Meeting of Thursday, June 7, 2012, at 9:00 a.m. The meeting will take place at the Grant County...

